

Remarks

Claims 64-72, 74-78, 82, 84, and 86-101 are pending in the application. Claims 86-90 were withdrawn pursuant to a requirement for restriction. Claims 73, 79-81, 83 and 85 have been canceled without prejudice to or disclaimer of the subject matter therein. Claims 91-101 are newly added.

Claim 76 was rejected under 35 USC 112, first paragraph. Withdrawal of this rejection is respectfully requested. See, for example, the supporting disclosure in the present specification at page 4, lines 13-14: "In still further embodiments the collecting means sequesters other substances such as bromine and chlorine."

Claims 64-72 were rejected under 35 USC 102(b) as being anticipated by Andelman (US 5,779,891). The Applicant respectfully traverses. Andelman does not support the asserted rejection for at least the reason that Andelman fails to disclose "a scavenging agent grafted to at least one electrode for sequestering one or more predetermined contaminants from within the housing" as recited in independent claim 64.

Andelman relates to the use of capacitance to remove impurities from a stream of liquid. Upon supplying a voltage across the capacitor, contaminants in the liquid are attracted to the terminals of the capacitor. When the capacitor is discharged, the contaminants are released. Thus, whereas in Andelman a capacitance attracts contaminants, in the present invention as claimed a scavenging agent sequesters contaminants. The claimed scavenging agent operates independently of a capacitor. For example, as described in the present specification page 12, lines 14-24. the scavenging agent will commence sequestering contaminants almost immediately once activated.

In view of the foregoing, claim 64 is allowable over Andelman. Further, claims 65-72 are likewise allowable over Andelman for at least the reason that they include the features of claim 64 by dependence thereon. Withdrawal of the rejection of claims 64-72 as being anticipated by Andelman is therefore respectfully requested.

Claims 64, 74, 77, 81 and 83-85 were rejected under 35 USC 102(b) as being anticipated by Chaloner-Gill (US 5,445,856) (hereafter, "C-G"). Of the noted claims, claims 64, 74, 77 and 84 remain pending.

The Applicant respectfully traverses the rejection for at least the reason that C-G does not disclose a scavenging agent grafted to components of a housing, as recited in independent claims 64 and 84. Instead, C-G relates to incorporating an oxygen scavenging agent into one of a plurality of flexible polymeric layers that form a laminate, or disposing the agent between any two of the flexible polymeric layers. See col. 8, lines 50-54 and col. 8, lines 60-63. This is distinct from the limitations of the present claims, where a scavenging agent is grafted to components within the housing, such as the electrodes or the separator.

Moreover, C-G relates to an invention that is directed toward preventing oxygen from diffusing from the atmosphere through the container 5 and into the battery 10. That is, the structure disclosed in C-G attempts to prevent oxygen (and water in some embodiments) from entering the container, but does not disclose sequestering oxygen (or water) from within the container according to the present claims. See col. 3, line 68 to col. 4, line 5 of C-G:

"Given this balance, some diffusion of oxygen into the battery 10 occurs despite attempts to select oxygen diffusion inhibiting material for the container. **Therefore, the invention provides an oxygen scavenging compound to prevent diffusion of oxygen through the relatively thin wall of the container 5.**" (Emphasis added.)

Accordingly, claims 64 and 84 are allowable over C-G, and claims 74 and 77 are likewise allowable over C-G for at least the reason that they incorporate the limitations of claim 64 by dependence thereon. Withdrawal of the rejection of claims 64, 74, 77 and 84 as anticipated by C-G is therefore respectfully requested.

Claims 64, 73, 76 and 78 were rejected as being anticipated by Nidola et al. (US 4,037,032) (hereafter, "Nidola"). Of the noted claims, claims 64, 76 and 78 remain pending.

Along lines discussed previously, Nidola cannot support the asserted rejection for at least the reason that Nidola does not disclose a scavenging agent grafted to components within the housing, as recited in independent claim 64. Instead, Nidola only relates to placing a (bromine) sequestering agent into the electrolyte of a battery.

Claim 64 is therefore allowable over Nidola, and claims 76 and 78 are likewise allowable over Nidola for at least the reason that they incorporate the limitations of claim 64 by dependence thereon. Withdrawal of the rejection of claims 64, 76 and 78 as anticipated by Nidola is therefore respectfully requested.

Claims 64 and 75 were rejected under 35 USC 102(b) as being anticipated by Bullock et al. (US 5,219,676) (hereafter, "Bullock"). The Applicant respectfully traverses. Bullock relates to placing a desiccant in a battery housing to absorb water vapor that is generated by the self-discharge reactions by the acid within the battery. The amount of desiccant is selected so that all the water vapor formed during the reactions is removed to maintain the specific gravity of the electrolyte within a predetermined range. However, Bullock does not disclose a scavenging agent grafted to components within the housing, as recited in independent claim 64. Therefore, claim 64, and claim 75 dependent thereon, are allowable over Bullock for at least the foregoing reason. Withdrawal of the rejection of claims 64 and 75 as anticipated by Bullock is therefore respectfully requested.

Finally, claim 64 was rejected as being anticipated by JP 52-116837. Withdrawal of the asserted rejection is respectfully requested for at least the reason that JP 52-116837 does not disclose a scavenging agent grafted to components within the housing, as recited in independent claim 64.

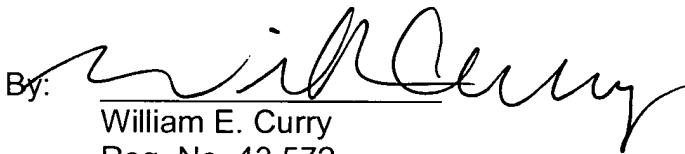
As noted above, claims 91-101 are newly added and are clearly allowable over the art of record for at least the reasons discussed in connection with the rejected claims.

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201